**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**APPELLATE SIDE**

**CRIMINAL APPLICATION NO. 3467 OF 2007**

1. Dulal Yogendranath Singh.
2. Neutan Shrimal Hawaldar. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

Sandesh D. Patil for the applicants.

S.S.Pednekar, A.P.P. for the State.

**CORAM: V.C.DAGA, J.**

**DATED: 1st November 2007.**

**P.C.:**

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. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. By this application under section 439 of Cr.P.C., the applicants are seeking bail in Sessions Case No.336/2007 arising out of R.C.C.No.755/2007 in C.R.No.I-170/2007 registerd with Narpoli Police Station, Thane for the offence punishable under section 307 of read with section 34 of Indian Penal Code.

3. The learned counsel for the applicants submits

that the actual assailant one Mohd.Pervez Eliyas Ansari @ Sherubhai has already been enlarged on bail by the Sessions Court vide order dated 6th September, 2007. He submits that neither of the injuries suffered by the victim can be categorised to be causing grievous hurt. He submits that if the main accused is granted bail, the present applicants may also be granted bail, considering the overtact alleged against the present applicants and the offence sought to be made out against him.

4. The learned A.P.P., though, tried to oppose this application but could not take her submission to the logical end.

5. Having seen the material on record, in my view, submissions advanced by learned counsel for the applicants needs acceptance at this stage. In the circumstances, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicants, arrested in connection with C.R.No.I-170/2007 registered with Narpoli Police Station, Thane shall be enlarged on bail in the sum of Rs.10,000/- each with one or two sureties to make up the said amount.

(b) The applicants shall report to the

concerned Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till conclusion of the trial. He shall co-operate with the investigating agency for disposal of the case.

(c) The order of bail will be given effect only after the applicants furnishe to the investigating officer the details about their places of residence and addresses where they propose to stay after they are enlarged on bail. The applicants shall not change their residential addresses thereafter till the conclusion of trial without prior written intimation to the investigating officer.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

6. Application stands disposed of accordingly.

**JUDGE**